date, follow the Miri land for purposes of inheritance. There is not now and there never was any provision in law that the Miri land followed the Mulk accretions for the purpose of dedicationx as Waqf. In other words, there never was any provision in lawwhereby by the planting of trees of vies or the erection of buildings on Miri land and then by purporting to dedicate both the Miri land and the accretions the Miri land could be made Waqf, although, as I have pointed out above, the Mulk accretions themselve could be dedicated as Waqf, but not if they were created 1331 A.H. as afte that date they were no longer considered as Mulk.

13. In this case the lands are therefore clearly Miri. The buildings in F.P.No. 2 have been validly dedicated as Waqf Sahihand so also have some old vines on a part of F.P.No. 11 and some old, but verey few, trees still remaining in parts of F.P.No. 11 and F.P.No.3. The rest of the land in dispute has been planted for the most part in new citrus and other fruit tree which, as they were planted after 1331 A.H., are of the Miri category.

14. I now come to the legality or otherwise of the registrations of 13th March,1922. It is the contention of the Government and of the Charkasis that these registrations are invalid, that they were made by the land Registrar ultra vires his powers, and that they are illegal. It is now clear from a letter from the land Registrar of Haifa under No. HLR/12/20 of 9th April, 1929, to the Director of Lands that the land Registrar at Haifa had in fact made the transfers in 1922 without obtaining the prior authority of the Director of Lands. However, it was not until about twelve years later(that is a periodof more than ten years) that the Government took steps to claim the land from the Mutawalli or formally challenge the validity of the registrations of 1922. If in point of fact the registrations of 1922 were without the prior authority of the Director of Lands, that fact was not brought to the attention of the Mutawalli at the time nc subsequently until this litigation arose at Settlement. Other than this allegation of absence of formal authority from the Directo of Lands for the transfers of 1922, I have not been providedwith any very adequate or convincing reasons as to why a Mutawallimay not hold the "tasarruf" of Miri lands in the same way as any other holder,

15. Although opinion or precedent may not be good legal guides in deciding a matter of this kind, it is interesting to note that both in Turkisl and in our times various registrations in the names of Mutawallis of Waqf of both Miri and Mulk lands without their categorybeing altered to Waqf o any kind have been made. I give below a few examples:-

Date of Registration.	Village.	Category.	Held by:-
1284, A.H.	Sarafand.	Miri.	Waqf Jami' Abu Yusuf.
27.1.25.	Safad.	Miri.	Waqf Jami' Sa'id Ahmad Kafaja.
16.6.27.	Haifa.	Miri.	Waqf Shaikh Abdul Rahman Sabi.
29.11.27.	Safad.	Mulk.	Mamur Auqaf.
14.1.35.	Malha.	Miri.	Waqf Hajj 'AliKerim al-Din al- Namari.
5.8.34.	Dair'Amr.	Miri.	Mamur Auqaf.

16. The last registration mentioned above was based on order No. 592 of 5th February, 1930, by Judge De Freitas in his capacity as Execution Officer, Jerusalem, The Waqf concerned is that of the Aqsa Mosque at Jerusalem. In this Connexion, The Director of Land Registration, in his letter No. LD.2/38--26th January,1938, has expressed the following views:

"In this case the Wakf had no previous interest in the land
" which was being sold for unsecured debts, Cases may, however,
"arise in which the Wakf loans its funds on mortgages of Miri
"and which, on sale by a subsequent mortgage or judgment

/"creditor,